IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1134 OF 2005

M/s.Kaushik Sugar Trading
Co.Pvt.Ltd. and Ors. ..Petitioners

Vs.

Shri.Hemant Gajanan Bhope
& Anr. ..Respondents

...
Mr.Akhilesh Dube i/b Mr.Tripathi and Co.
for Petitioners
Mr.Sudhir Hardikar for Respondent no.1
Ms.S.V.Gajare, A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : AUGUST 19,2005

P.C.

1. Heard the learned advocate for the Petitioners, learned advocate for the respondent no.1-original complainant and learned A.P.P. for the State.

2. The petitioners are seeking quashing of process issued by the learned C.J.M.Thane in C.C.No.76 of 2003. In the said case process is issued under Sections 417, 418 r.w. 120-B of IPC.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks. The learned advocate for the respondent no.1-compalinant fairly states that no objection will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by

the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]